

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10749 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

CHIMANBHAI P PATEL

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioner

Ms Harsha Dewani, A.G.P. for respondent no.1

MR HS MUNSHAW for Respondent No. 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 10/02/97

ORAL JUDGEMENT

Rule. Ms Harsha Dewani, learned A.G.P. waives service of notice of rule on behalf of respondent no.1. Mr. H.S.Munshaw, learned Counsel waives service of notice of rule on behalf of respondent no.2.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue an appropriate writ or order directing the District Development Officer, Kheda District Panchayat at Nadiad to exercise powers under section 59 of the Gujarat Panchayats Act, 1993 and to pass final order in accordance with law in the interest of justice.

From the averments made in the petition, it is evident that in Special Civil Application no. 8079/96 decided by the Court (Coram: M.S. Parikh, J.) on October 23, 1996 following direction was given :-

"The grievance in this petition is about delay in proceeding u/s. 59(1) of the Gujarat Panchayats Act, 1993. It is expected that the said proceedings are expeditiously heard and decided. However, except to observe so, no indulgence can be shown.

In view of above observation, Mr. D.M. Thakkar, learned advocate for the petitioner seeks to withdraw this petition. Permission to withdraw granted. Disposed of accordingly. No order as to costs."

Mr. D.M. Thakkar, learned Counsel for the petitioner has stated at the bar that though hearing is concluded, respondent no. 2 has not passed any orders. It is not in dispute that respondent no. 2 has not passed any orders on the application dated August 17, 1996. Under the circumstances, prayer made in the petition deserves to be granted.

For the foregoing reasons, the petition partly succeeds. Respondent no. 2 is directed to pass final orders in accordance with law as early as possible and latest within ten days from the date of receipt of the order. Office is directed to send copy of this order to respondent no. 2 immediately. It will also be open to the petitioner to produce a copy of this order before respondent no. 2 for necessary compliance. Rule is made absolute accordingly, with no order as to costs. Direct Service is permitted.

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